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MAYOR GAYNOR'S POLICE POLICY AND THE "CRIME WAVE" IN NEW YORK CITY.

ARTHUR W. TOWNE.¹

It has become customary in New York City to judge the success of the mayor's administration more by the efficiency of the police department than by any other single test. The provision of the city charter empowering the mayor to appoint and remove the police commissioner tends to throw the responsibility for the police administration very directly upon the mayor. The police department in previous administrations has, as a rule, been closely allied with politics and subject to frequent popular criticism, which on several occasions has led to special investigations by grand juries and legislative committees. Any general dissatisfaction with the administration of the police department always reflects upon the mayor, who is held accountable because of the charter provisions, and, as a result, it is seldom that a commissioner of police serves the full term for which he has been originally appointed. The term of the mayor is four years; yet the last ten years have seen seven police commissioners.

Mayor Gaynor, who, while a justice of the Supreme Court, was a strenuous upholder of the rights of personal liberty, came into great popular favor, immediately preceding his nomination for the mayoralty, through an attack that he made upon the police commissioner, on the grounds that the police were persecuting innocent persons and were violating their constitutional rights by photographing them prior to conviction. The attack of Judge Gaynor created such a stir that Mayor McClellan felt forced by public opinion to appoint a new commissioner of police. As soon as Mayor Gaynor entered upon the duties of his present office, at the beginning of 1910, he introduced changes in the administration and policy of the police department which, more than ever before, have centered the responsibility for the efficiency and success of the department upon the mayor. The most important innovation was to organize the detective force along the lines of Scotland Yard, whereby the deputy police commissioner, who in past administrations had been responsible practically only to the commissioner, now became responsible almost wholly to the mayor. The deputy commissioner in charge of the detective force was authorized by Mayor Gaynor to carry on his work inde-

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pendently of the commissioner. This policy lessened the power and importance of the commissioner of police, and made the mayor more responsible than ever before for the work of the detective force in bringing criminals to justice and in controlling and lessening vice. Another order emanating from the mayor's office took from the police captains in the various precincts the right to use plain clothes men for the suppression of rowdyism and other purposes. The only plain clothes men left were the 500 attached to the central office, and, naturally, their work had to do almost entirely with the more serious offenses.

Mayor Gaynor, early in his administration, also strongly insisted that the police must respect the personal liberty of citizens, and must cease brutality and unnecessary arrests. Policemen who clubbed prisoners were summoned to appear before the mayor himself, and soon an order was issued taking away the night clubs. On the occasion of a visit to the night court, Mayor Gaynor declared that two-thirds of the arrests of the prisoners brought before that court were unwarranted or unnecessary. The new policies inaugurated by Mayor Gaynor had the effect of reducing the number of arrests from 220,334, in the year 1909, to 170,681, in the year 1910.

The administration of the police force along these new lines met with expressions both of approval and disapproval. The mayor chose as deputy commissioner in charge of the central office detective force William J. Flynn, who had established an international reputation as a detective under the United States Secret Service, and the results accomplished, by this official in solving mysterious crimes and in raiding gambling houses which in years gone by had been supposed to be impregnable on account of their political backing, attracted marked attention and the highest commendation. The action of Mayor Gaynor in forbidding uniformed police officers to secure evidence against violators of the excise law also met with general approval, as an important step in the direction of preventing graft. Serious criticisms began to be directed against the police department, however, and especially when, during Mayor Gaynor's temporary absence from office after the attempted assassination upon his life, Acting Mayor Mitchell made an investigation and found great laxity in the police supervision of Coney Island. Coney Island was declared to be "wider open" than ever before, and on account of the conditions existing there Mr. Mitchell sought the removal of Police Commissioner Baker. Mayor Gaynor, shortly after his return to the city hall, appointed a new commissioner, James C. Cropsey. Meanwhile complaints have been made that the police administration in other parts of the city has been lax and ineffective, and that the police

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officers fear to make arrests lest they may be reprimanded or disciplined for violating the mayor's policy.

These complaints against the police administration took a sensational form when City Magistrate Joseph E. Corrigan, on March 22, issued a statement through the press declaring that all kinds of crime were being openly and flagrantly committed, with almost no effort by the police to check them, and that the police force was demoralized as a result of the policies of Mayor Gaynor. Talk about the "Crime Wave" immediately filled the headlines of the metropolitan newspapers, and a storm of excitement was created. Many private citizens and social workers, on the one hand, hastened to commend Magistrate Corrigan for his action, while, on the other hand, Mayor Gaynor assailed the latter as guilty of "seditious" and threatened to take steps to have him removed from office. The outcome of the controversy was that within a few days a grand jury was instructed to investigate the charges made by Magistrate Corrigan. The letter which Judge Corrigan sent to the press was as follows:

"Circumstances having arisen which convince me that the attention of the public should be called to certain facts, I request you to publish the following statement to the citizens of New York:

"Everyone who has given the most cursory attention to conditions must be aware of the great and alarming increase of crime and of the still more alarming decrease in its detection and punishment, but perhaps few are able to fix definitely the responsibility for these conditions. That responsibility rests upon one man, and on him alone, and that man is the mayor.

"The prevention and detection of crime is in the hands of the police, and Mayor Gaynor rules the force. He has curtailed the power of the commissioner, attempting to exercise it himself, and by so doing he has demoralized the force and made easy the way of the transgressor.

"For eight years I have been directly concerned with the administration of criminal law in this city, in Mr. Jerome's office, and as a magistrate I have made a long and careful investigation into existing conditions. I have visited all parts of the city and have talked with men of all sorts and classes, good and bad, honest and dishonest, in the police department and out of it, and here is what I have found:

- "1. The town is by far more 'open' than it was under Devery.
- "2. There is not the slightest attempt made to enforce the excise law, which is flagrantly violated every Sunday in almost every saloon in New York, and daily in hundreds of unlicensed places.
- "3. There has never been a time when the more serious offenses connected with the social evil, such as 'badgering,' 'creeping,' and other forms of stealing, flourished with such impunity.
- "4. Gambling-houses and poolrooms have increased and now run without molestation, save for a few spectacular raids, and the visit of the collector.
- "5. Graft is as rampant and as profitable as it ever was.
- "6. The town is infested with sturdy beggars and panhandlers, who walk

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the streets almost unmolested and take by force, when they can, what is denied to their pleadings.

"7. Criminals from all over the country have come to New York in droves and ply their avocations here in safety.

"8. The more serious crimes, such as murders, shootings, stabbings, gang feuds, highway robberies, burglaries, assaults, and larcenies from the person, grow in number undetected and unpunished.

"9. The police force is demoralized and terrified. The men feel that they and not the criminals are the hunted; that (as many have told me) 'if a man can keep out of trouble he is doing well,' and that the only safe and sure way to do this is to 'look the other way' when a crime is being committed.

"It is to this condition of the force that all the other evils must be attributed. When a policeman feels that he has not the support of the dominant authority, that the word of any convicted crook will be taken in preference to his, and that he must submit to a beating at the hands of the criminal or a complaint under the mayor's orders, it is idle to hope that he will even attempt to do police duty.

"That all this is true, anyone may prove to his own satisfaction by asking any policeman he may happen to know, or any reporter in the city, whether the facts are not as I have stated.

"We have had fifteen months of government by epistle, and this is the result. The remedy is obvious, simple and drastic. It lies in the hands of the citizens.

"JOSEPH E. CORRIGAN, City Magistrate."

District Attorney Whitman engaged George Gordon Battle, assisted by Assistant District Attorney Frank Moss, to conduct the official investigation before the grand jury. Large numbers of witnesses, including Mayor Gaynor, were examined, and on May 16 the grand jury reported its findings. The main points made in the presentment were as follows.

No testimony was presented showing corruption by members of the police force, and, therefore, no indictments were found. There has been a great volume of burglary, larceny, hold-ups, robberies with assault, begging, and offenses committed by hoodlums and gangs. The statistics of the police department have been irregular, uncertain and misleading. There should be more competent, uniform and reliable methods of keeping records and statistics of crime. Many serious offenses reported by private citizens to police stations have not been reported from the station houses to the central detective bureau. From February 27 to April 4 the books in the station houses contained 711 cases of citizens' complaints that had not been reported by the precinct authorities to police headquarters. Police captains testified that they were unable effectively to control beggars, panhandlers and the growing number of disorderly and criminal youth without the use of plain clothes men. The department

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needs more than the present 500 plain clothes men assigned to the central office. Police captains should have a limited power to use men in plain clothes to repress disorder and apprehend roughs. In some parts of the city policemen should have a freer use of their clubs. Any clubbing habit which may formerly have existed has been broken. The police manual should be simplified and codified. There should be more special policemen, who, together with qualified private watchmen, should be permitted to carry weapons. There should be better supervision of pawnshops and junkshops.

In conclusion, the presentment declares:

'Inspectors and captains are responsible only for the patrolling of their districts and precincts; detectives are responsible only for work in felony cases, and have neither duty nor time to deal with hoodlums and juvenile offenders; the gang squad has only five men to cover the whole city; the superior authorities are working out a new method; as a practical matter, nobody has a criminal responsibility for evils we have mentioned. This presentment is made with no intention of overlooking the praiseworthy effort of the mayor to prevent brutality and grafting by policemen, but rather that the weak points in the execution of the plan may be noted and improved.'

This presentment, as the New York *Sun* declares, "can be taken with comfort by those 'for' and 'against.'" On the whole, however, it would appear that the grand jury sustains in the main the contentions of Judge Corrigan, although at the same time it recognizes that Mayor Gaynor has made praiseworthy efforts to reorganize and improve the department. Probably the most important recommendation made by the grand jury is that plain clothes men should be restored to the precincts and districts in order that gangs and hoodlums may be effectively dealt with.

While the grand jury was sitting, and since its report, it has been frequently suggested that in order to strengthen the police administration the commissioner should have a definite tenure of office, and not feel himself at all times likely to be removed if he acts against public sentiment or the desires of the mayor. Chief City Magistrate McAdoo, who was formerly police commissioner and was himself a victim of a passing period of popular disfavor, says in his book, entitled "Guarding a Great City," that the uncertain tenure of office "is its chief source of weakness." He declares that the commissioner should be given a long term and be subject to removal only upon charges and after a trial before the appellate division of the Supreme Court. Whether the adoption of this proposal would bring the desired stability and responsibility could be ascertained only through experience, but to those interested in the administration of police affairs in a great city, the suggestion is worthy

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of thoughtful consideration. Mayor Gaynor has to a large extent taken the police department out of politics. Its particular need now seems to be to center responsibility in the commissioner, and to require him to bring about the desirable organization and coördination with the department.²

²Since the above paragraphs were written, another change has occurred in the police commissionership. On May 23rd Mayor Gaynor appointed Fire Commissioner Rhinelander Waldo as police commissioner, the appointment to take effect at once. The charge had been preferred against Police Commissioner Cropsey that he had disregarded the civil service law in making appointments. Commissioner Cropsey had been in office only since October 21st of last year.